UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,717	11/21/2001	Victor Wiener	101351-21	1000

21125   7590   01/21/2009
NUTTER MCCLENNEN & FISH LLP
WORLD TRADE CENTER WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

EXAMINER
ELAHEE, MD S

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
01/21/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@nutter.com

	Application No.	Applicant(s)
	09/990,717	WIENER ET AL.
Office Action Summary	Examiner	Art Unit	
	MD S. ELAHEE	2614	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>05 November 2008</u>.

2a) ☒ This action is **FINAL**.　　　2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>40-92</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>40-92</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail. Date _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This action is responsive to an amendment filed 11/05/2008. Claims 40-92 are pending.

Claims 90-92 have been added.

Response to Arguments

2.   Applicant's arguments filed on 11/05/2008 remarks have been fully considered but are

moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the

needs at this time.

Claim Objections

3.   Claim 70 is objected to because of the following informalities: regarding claim 70, the

phrase "transmission" in line 3 should apparently be "transmission of directory data".

Appropriate correction is required.

4.   Claim 77 is objected to because of the following informalities: regarding claim 77, the

phrase "calls" in line 10 should apparently be "call". Appropriate correction is required.

5.   Claim 79 is objected to because of the following informalities: regarding claim 79, the

phrase "a call" in line 8 should apparently be "the call". Appropriate correction is required.

Claim Rejections - 35 USC § 101

6.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

7.   Claim 89 is rejected under 35 U.S.C. 101 because the claimed invention is directed to

non-statutory subject matter.

        The language of the claim raises a question as to whether the claim is directed merely to

an abstract idea that is not tied to a technological art, environment or machine which would

result in a practical application producing a concrete, useful, and tangible result to form the basis

of statutory subject matter under 35 U.S.C. 101.

        Claim 89 recites computer software having code for executing the steps of a method.

Claim language does not comply with the requirements of MPEP 2106.01.I. The "storage

medium" is not recited in the invention disclosure. Furthermore, "computer program" or

"computer software" is merely a set of instructions. Computer program is data structure. Data

structures not claimed as embodied in computer-readable or machine-readable media are

descriptive material per se and are not statutory because they are not capable of causing

functional change in the computer or machine. See, e.g., Warmerdam, 33 F.3d at 1361, 31

USPQ2d at 1754 (claim to a data structure per se held nonstatutory). Claim 89 fails to include

practical application that produces either (1) tangible, concrete and useful result or (2) physical

transformation. Therefore, since the claimed computer software is not embodied in a computer-

readable storage medium and does not comprise instructions to cause a processor to perform the

method of the claims 40, 41, 45, 46 or 73 then the Applicant has not complied with 35 U.S.C

101.

<div align="center">

Claim Rejections - 35 USC § 102

</div>

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

9.   Claims 69-89 and 92 are rejected under 35 U.S.C. 102(e) as being anticipated by

Bateman et al. (US 5,884,032).

As to Claims 69, 70, 79-87, 92, with respect to Figures 1-3, **Bateman** teaches a directory server

for use in establishing a communications call on at least one public network, including:

a directory database module for accessing public directory data via an Internet messaging

network, including communications address data, of parties connected to at least one public

network (Figure 1 and Col. 6, lines 6-13,31-45, Col. 9, lines 19-32);

a call connection module for transmission of said public directory data to an interactive

device of a user connected to a public network that comprises a messaging network and for

accessing via said directory database module by utilizing said Internet messaging network, for

said interactive device, in response to a request of said user public directory data of a B party

(Col. 6, lines 31-45, Col. 8, lines 66,67, Col.9, lines 1-32);

a call completion module for receiving a message including identifying information for the

B party of said call from said interactive device and transmitting a connect message to a

communication module of a public telephone network of said public network for establishing

said call, said connect message including communications address data for said B party obtained

using said directory database module (Col. 6, lines 32-41, Col. 7, lines 5-13, Col. 9, lines 65-67,

Col.10, lines 1-13).

As to claim 71, **Bateman** teaches a server as claimed in claim 70, including a directory database

module for accessing directory data, including communications address data, of parties

connected to at least said public network, wherein the communications address data of said

connect message for at least said B party is obtained using said directory database module (Col.

7, lines 43-61).

As to Claim 72, **Bateman** teaches a TCP/IP server connected to a TCP/IP network, such as the

Internet, and wherein the public network is a telecommunications network, such as the PSTN

(Figure 1).

Claim 73 is rejected for the same reasons as discussed above with respect to claim 69.

Furthermore, **Bateman** teaches utilizing an interactive device connected to a public network

comprising an Internet messaging network to allow a customer [i.e., A party] to select an agent [i.e., B party] (Figure 1; Col. 6, lines 6-13, Col. 9, lines 65-67, Col. 10, lines 1-13, 31-38).

As to Claims 74,78, **Bateman** teaches a method as claimed in claim 73, wherein the identification data is page (name data) (Col. 5, lines 15-22).

As to Claim 75, **Bateman** teaches a method as claimed in claim 73, wherein the directory service is adapted to access a database of URLs (public communications addresses) stored against respective identification data (Col. 5, lines 15-22).

As to Claim 76, **Bateman** teaches a method as claimed in claim 73, wherein selection of the displayed element invokes generation of code on the interactive device to generate and send the first message (Col. 6, lines 14-24).

Claim 77 is rejected for the same reasons as discussed above with respect to claim 69. Furthermore, **Bateman** teaches a selectable displayed element which may be selected by a user of the device to select an agent [i.e., B party] (Figure 1; Col. 6, lines 6-13, Col. 9, lines 65-67, Col. 10, lines 1-13, 31-38).

As to Claim 88/73, **Bateman** teaches a network system having components for executing the steps of a method as claimed in claims 40, 41, 45, 46, 73 (Col. 6, lines 31-60).

As to Claim 89/73, **Bateman** teaches a Computer software having code for executing the steps of

a method as claimed in claims 40, 41, 45, 46, 73 (Col. 6, lines 14-65).

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

11.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

    1.   Determining the scope and contents of the prior art.
    2.   Ascertaining the differences between the prior art and the claims at issue.
    3.   Resolving the level of ordinary skill in the pertinent art.
    4.   Considering objective evidence present in the application indicating obviousness
            or nonobviousness.

12.   This application currently names joint inventors.   In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13.   Claims 40, 41, 42/40,42/41, 43, 46, 47/40, 47/41, 47/45, 47/46, 48, 58, 59/56, 59/57,

60,61, 62/60, 62/61, 63, 64/60, 64/61, 65/60, 66/61, 67/60, 67/61, 68, 88/40, 88/41, 88/45, 88/46,

89/40, 89/41, 89/45, 89/46 and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sussman (US5,483,586) in view of **Cohn et al**. (US 6,064,723).

As to Claims 40,41,45,46,56,57,90, with respect to Figures 1-2, **Sussman** teaches a method of

establishing a communications call, including:

        enabling an A party to select a B party from a database using an interactive device

connected to a public network, said public network comprising an Internet messaging network

(Figure 1, 2; Col. 3, lines 66,67, Col. 4, lines 1-6, 60-63, Col. 5, lines 47-55, Col. 6, lines 25-34,

Col. 7, lines 13-17);

        utilizing said network to access called address data for said B party from a public

directory of said public network in response to selecting said B party (Col. 5, lines 47-55, Col. 6,

lines 25-34). However, **Sussman** does not specifically teach utilizing said Internet messaging

network to send a message including identifying information of said B party to a public directory

of said public network to access called address data for said B party. **Cohn** teaches utilizing said

Internet messaging network to send a message including identifying information of said B party

to a public directory of said public network to access called address data for said B party

(Figures 1, 13; Col. 34, line 41-Col. 35, line 15). Thus, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify **Sussman** to utilize said

Internet messaging network to send a message including identifying information of said B party

to a public directory of said public network to access called address data for said B party as

taught by **Cohn**. The motivation for the modification is to have doing so in order to access subscriber address using internet in a cheaper rate.

      Sussman further teaches sending said called address data for said B party and calling address data for the A party to a connection module of a public telephone network of said public network (Col. 5, lines 47-55, Col. 6, lines 25-34); and

      Sussman further teaches establishing a call between said A party and B party over said public network using said connection module and said called and calling address data (Col. 2, lines 28-30, Col. 5, lines 47-55).

As to Claim 42/40, 42/41, **Sussman** teaches a method as claimed in claims 40 or 41, wherein said interactive device is a computer and/or telephony device including a visual display (Figure 2; Col. 5, lines 17-24).

As to Claim 43, **Sussman** teaches a method as claimed in claim 40, wherein said interactive device is associated with said A party (Figure 2).

As to Claim 44, **Sussman** teaches a method as claimed in claim 40, wherein said interactive device is a communications terminal for said call (Figure 2; Col. 5, lines 17-24).

As to Claims 47/45, 47/46, **Sussman** teaches a method as claimed in claims 45 or 46, wherein said public network further comprises at least one public telecommunications network, 9, for connecting said A and B parties (Figure 1).

As to Claim 48, **Sussman** teaches a method as claimed in claim 47, wherein said messaging network provides said interactive device with a plurality of B party data (Col. 6, lines 32-45).

As to Claim 49, **Sussman** teaches a method as claimed in claim 47, wherein said messaging network accesses and forwards said called address data to said telecommunications network (Col. 3, lines 66,67, Col. 4, lines 1-6, 60-63, Col. 5, lines 47-55, Col. 6, lines 25-34, Col. 7, lines 13-17).

Claims 50,51 are rejected for the same reasons as discussed above with respect to claim 40. Furthermore, **Sussman** teaches displaying of at least one B party from a database to an A party (Col. 5, lines 48-55 and Col. 6, lines 26-34).

As to Claims 52,58, **Sussman** teaches an interface as claimed in claim 51, wherein said results includes called address data for said B party data, and said selected party data includes said called address data (Col. 5, lines 47-55, Col. 6, lines 25-34, Col. 7, lines 13-17).

As to Claims 53/50,53/51, **Sussman** teaches an interface as claimed in claims 50, 51 or 52, wherein said interface is sent to said interactive device by said public network on request from said interactive device (Figure 2; Col. 5, lines 17-24).

As to Claims 54-55, **Sussman** teaches an interface as claimed in claim 51, wherein said public

network further comprises at least one public telecommunications network for establishing said

call (Figure 1).

As to Claims 59/56,59/57, **Sussman** teaches an interface as claimed in claims 56 or 57, wherein

said public network further comprises at least one public switched telephone network for

establishing said call (Figure 1). However, **Sussman** does not specifically teach that said

messaging network of the public network includes a TCP/IP messaging network. **Cohn** teaches

that said messaging network of the public network includes a TCP/IP messaging network (Col. 6,

lines 31-45). Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify **Sussman** to incorporate said messaging network of the public

network including a TCP/IP messaging network as taught by **Cohn**. The motivation for the

modification is to have doing so in order to access subscriber information via internet and

thereby saving money and time.

Claims 60,61 are rejected for the same reasons as discussed above with respect to claim 40.

Furthermore, with respect to Figures 1-2, **Sussman** teaches a system for use in establishing a

communications call, including:

        a controller for receiving called address data for the selected B party, and calling

address data corresponding to the A party and generating, in response thereto, network control

signals to cause a public telephone network of said at least one public network to establish a call

between said A party and said B party over said network (Col. 2, lines 28-30, Col. 5, lines 47-55).

As to Claim 62/61, **Sussman** teaches a system as claimed in claim 60 or 61, wherein said network includes at least one public telecommunications network, such as a PSTN, for receiving said control signals and establishing said call, and wherein the messaging network comprises the Internet, for passing data between the A party, the access module and the network controller (Figures 1,2; Col. 2, lines 28-30, Col. 5, lines 47-55).

As to Claim 63, **Sussman** teaches a system as claimed in claim 61, wherein the access module includes directory data from said directory database for display by said A party (Col. 5, lines 48-55 and Col. 6, lines 26-34).

As to Claims 64/61, **Sussman** teaches a system as claimed in claims 60 or 61, including a search module accessible by said A party over said network for searching said directory database (Col. 5, lines 47-55, Col. 6, lines 25-34, Col. 7, lines 13-17).

As to Claims 65/61, **Sussman** teaches a system as claimed in claims 60 or 61, wherein said call is established with a terminal of the A party which selects said selected B party (Col. 5, lines 47-55, Col. 6, lines 25-34, Col. 7, lines 13-17).

As to Claims 66/61, **Sussman** teaches a system as claimed in claims 60 or 61, wherein said call is established with a terminal of the A party which is separate from the terminal selecting said B party (Col. 5, lines 47-55, Col. 6, lines 25-34, Col. 7, lines 13-17).

As to Claims 67/61, **Sussman** teaches a system as claimed in claims 60 or 61, wherein the address data includes a party terminal number (Col. 5, lines 47-55, Col. 6, lines 25-34, Col. 7, lines 13-17). However, **Sussman** does not specifically teach security information. **Cohn** teaches security information (Col. 6, lines 44-50). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Sussman** to incorporate security information as taught by **Cohn**. The motivation for the modification is to have doing so in order to receive security information such that a user can easily access secured data.

As to Claim 68, **Sussman** teaches a system as claimed in claim 60, wherein at least one of the calling address data and the called address data includes account information (Col. 5, lines 47-55, Col. 6, lines 25-34, Col. 7, lines 13-17).

As to Claims 88/40,88/41,88/45,88/46, **Sussman** teaches a network system having components for executing the steps of a method as claimed in claims 40, 41, 45, 46, 73 (Col. 3, lines 9-13, Col. 5, lines 47-55, Col. 6, lines 25-34, 40-59).

As to Claims 89/40,89/41,89/45,89/46, **Sussman** teaches a Computer software having code for

executing the steps of a method as claimed in claims 40, 41, 45, 46, 73 (Col. 3, lines 9-13, Col. 5,

lines 47-55, Col. 6, lines 25-34, 40-59).

14.   Claims 40,41,45,46,56,57,61 are rejected under 35 U.S.C. 103(a) as being unpatentable

over **Padden et al**. (US 4,979,206) in view of **Cohn et al**. (US 6,064,723).

As to Claims 40,41,45,46,56,57, with respect to Figures 1-6, **Padden** teaches a method of

establishing a communications call, including:

enabling an A party to select a target customer [i.e., a B party] from a database using a

VRU [i.e., an interactive device] connected to a public network, said public network comprising

a messaging network (Figure 1 and Col. 6, lines 49-60);

utilizing said messaging network to send a message including identifying information of

said B party to a public directory of said public network to access called address data for said B

party from a public directory of said public network in response to selecting said B party (Col. 6,

lines 60-67 and Col. 7, lines 1-7);

sending said called address data for said B party and calling address data for the caller

[i.e., the A party] to control 10 [i.e., a connection module] of said public network (Col. 7, lines

3-15); and

establishing a call between said A and B parties over said public network using said

connection module and said called and calling address data (Col. 7, lines 11-14).

Padden discloses voice and data switching network 12 (fig.1) as a messaging network since voice message is being transmitted through the network (see Col. 6, lines 49-60). However, **Padden** does not specifically teach messaging network is an internet messaging network. **Cohn** teaches that messaging network is an internet messaging network (Figures 1, 13; Col. 34, line 41-Col. 35, line 15). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Padden** to incorporate messaging network as an internet messaging network as taught by **Cohn**. The motivation for the modification is to have doing so in order to download subscribers lists to a user device such that the user can browse through the lists.

Claim 61 is rejected for the same reasons as discussed above with respect to claim 40. Furthermore, with respect to Figures 1-6, **Padden** teaches a system for use in establishing a communications call, including:

a network controller for receiving said called address data and calling address data corresponding to the A party and generating, in response thereto, network control signals to cause said at least one public network to establish a call between said A party and said B party over said network (Col. 5, lines 50-68).

15.   Claims 50,51,60 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Padden et al**. (US 4,979,206) in view of **Cohn et al**. (US 6,064,723) further in view of **Sussman** (US 5,483,586).

As to Claims 50-51,60 are rejected for the same reasons as discussed above with respect to claim

40. Furthermore, with respect to Figures 1-6, **Padden** teaches an interactive device for

originating a communications call, including:

a display controller for causing display of a desired directory number [i.e., at least one B

party] (Col. 5, lines 14-18);

an operator [i.e., selector] for enabling an A party to select a B party on said display

(Col. 5, lines 20-30); and

data link 54 [i.e., a link] which on being activated sends selected party data

corresponding to said B party to a DAS/C computer [i.e., public network],

whereby said public network accesses called address data of said B party in a public

directory via a messaging network on the basis of said selected party data and forwards said

called address data to connection module of said public network to establish a call with said B

party (Col. 5, lines 50-68).

However, **Padden** in view of **Cohn** does not specifically teach displaying of at least one B party

from a database to an A party. **Sussman** teaches displaying of at least one B party from a

database to an A party (Col. 5, lines 48-55 and Col. 6, lines 26-34). Thus, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify **Padden**

in view of **Cohn** to display of at least one B party from a database to an A party as taught by

Sussman. The motivation for the modification is to do so in order to make a selection from a list

displayed on his own terminal.

16.   Claim 91 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Sussman**

(US5,483,586) in view of **Cohn et al**. (US 6,064,723) further in view of **Bateman et al**. (US

5,884,032).

As to Claim 91, **Sussman** in view of **Cohn** does not specifically teach that said interactive

device executes an Internet phone application to establish said call. **Bateman** teaches that said

interactive device executes an Internet phone application to establish said call (Figure 1; Col. 6,

lines 32-41, Col. 7, lines 5-13, Col. 9, lines 65-67, Col.10, lines 1-13). Thus, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify **Sussman**

in view of **Cohn** to incorporate the feature of said interactive device executing an Internet phone

application to establish said call as taught by **Bateman**. The motivation for the modification is to

do so in order to make a call through internet at a cheaper cost.

Conclusion

17.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action.   Accordingly, **THIS ACTION IS MADE FINAL**.   See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

       A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MD S. ELAHEE whose telephone number is (571)272-7536. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MD S ELAHEE/
MD SHAFIUL ALAM ELAHEE
Primary Examiner
Art Unit 2614
January 15, 2009